

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TASER INTERNATIONAL, INC.,
et al.

Plaintiffs,

v.

MORGAN STANLEY & CO., INC.,
et al.

Defendants.

CIVIL ACTION NUMBER:
1:10-CV-03108-JEC

**DEFENDANT MERRILL LYNCH PROFESSIONAL
CLEARING CORP.'S MOTION FOR LEAVE TO FILE DOCUMENTS
UNDER SEAL (AND MEMORANDUM IN SUPPORT)**

Pursuant to the Stipulation and Protective Order Regarding Confidential Information jointly submitted by the parties to the State Court of Fulton County, Georgia, on August 27, 2009, and approved by the State Court on April 15, 2010 (the "Protective Order"), Defendant Merrill Lynch Professional Clearing Corp. ("ML Pro") moves the Court for leave to file four documents under seal. Specifically, ML Pro asks for permission to file under seal an unredacted copy of Exhibit A to its Motion for Permission To Exceed Page Limitations in Its Reply Memorandum in Support of Its Motion To Dismiss for Lack of Personal

Jurisdiction, as well as Exhibits 3, 7, and 8 to Exhibit B, the Reply Declaration of Brad M. Elias.

Exhibits 3 and 7 are partial transcripts of the deposition of Peter Melz, a Managing Director of ML Pro. They contain non-public information on the total number of Customer accounts and Introduced Customer accounts that ML Pro maintains, as well as the number of direct accounts held by an ML Pro customer in Georgia who is identified by name. Exhibit 8, a Reply Declaration by Mr. Melz, contains non-public information on the total volume of trades cleared by ML Pro on a daily basis. Exhibit A, the Reply Brief itself, contains certain references to the non-public information contained in the other documents. In order to lessen the information sealed, ML Pro has filed a redacted copy of the brief on the public docket.

In accordance with the Protective Order, the four documents at issue should be sealed because they contain:

- “non-public financial information” and “non-public information concerning ongoing business activities” and “competitively-sensitive information,” including the total volume of trades cleared by ML Pro on a daily basis. (*See* Protective Order ¶ 3.)

- “non-public personnel or customer-related information,” including details about the identity and trading activity of an ML Pro customer in Georgia.
(*See* Protective Order ¶ 3.)

WHEREFORE, ML Pro respectfully requests that the Court grant it leave to file Exhibit A to its Motion for Permission To Exceed Page Limitations in Its Reply Memorandum in Support of Its Motion To Dismiss for Lack of Personal Jurisdiction, as well as Exhibits 3, 6, and 7 to the Reply Declaration of Brad M. Elias, under seal. The papers that ML Pro seeks leave to file under seal are submitted herewith.

Respectfully submitted, this 11th day of January 2011.

Dated: January 11, 2011

/s/ Richard H. Sinkfield

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), the undersigned counsel hereby certifies that the foregoing **DEFENDANT MERRILL LYNCH PROFESSIONAL CLEARING CORP.'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL (AND MEMORANDUM IN SUPPORT)** has been prepared in accordance with Local Rule 5.1(C) with 14-point Times New Roman font.

/s/ Richard H. Sinkfield

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2011, I caused a copy of the foregoing
**DEFENDANT MERRILL LYNCH PROFESSIONAL CLEARING CORP.'S
MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL (AND
MEMORANDUM IN SUPPORT)** to be filed with the Clerk of Court using the
CM/ECF system, which will automatically send e-mail notification of such filing
to the following attorneys of record:

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and that I have caused a copy to be served by e-mail and I will cause a service copy to follow via U.S. Mail upon improvement in weather conditions in Atlanta on the following attorneys of record:

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**Attachments to This Motion
Will Be Included In The Motion
To Seal As Filed With The
Clerk.**